

YOUTH SERVICES POLICY

Title: Securing Physical Evidence/Crime Scene Next Annual Review Date: 02/24/2016	Type: C. Field Operations Sub Type: 4. Juvenile Institutions Number: C.4.6
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References: La. R.S. 14:402; U.S. DOJ PREA Standards 115.321 (a); 115.354 (a) (4); 115.354 (b); ACA Standard 4-JCF-2A-21 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. A.1.4 "Investigative Services", A.1.11 Polygraph Testing of Employees", A.2.7 "Drug -Free Workplace", B.6.4 "Accident and Injury (A&I) Evaluation, B.8.17 "Polygraph Testing of Youth", C.1.3 "Crimes Committed on the Grounds of YS Facilities/Office Buildings and/or Properties", C.2.1 "Escapes, Runaways, Apprehensions, and Reporting"; C.2.5 "Searches of Visitors", C.2.7 "Youth Drug/Alcohol Testing Program", C.2.11 "Prison Rape Elimination Act (PREA)", and C.4.3 "Mandatory Reporting of Abuse and Neglect of Youth"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 02/24/2014

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish procedures for the preservation of physical evidence obtained in connection with a violation of law, agency policy, and facility Standard Operating Procedures.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Regional Directors, Facility Directors, Regional Managers, Investigative Services (IS) staff, and all YS secure care and regional employees.

IV. DEFINITIONS:

Evidence Storage Area (ESA) - A secured area protected against unauthorized entry.

Operations Shift Supervisor (OSS) – A secure care employee who is responsible for a range of duties which include, but is not limited to, the following: supports management in maintaining a safe, secure facility; oversees administrative and operational security activities during specific shifts; manages employees during each assigned shift; ensures adequate security coverage; leads count procedures; oversees the custody, supervision and control of secure care youth; manages frontline security employees; assists in controlling youth movement; assists in directing the use and issuance of keys, locks, and security equipment.

Prison Rape Elimination Act (PREA) - An Act signed into law in September 2003. This legislation requires the Bureau of Justice Statistics (BJS) to initiate new national data collections on the incidence and prevalence of sexual violence within correctional facilities. PREA defines four categories of sexual abuse for purposes of data collection: abusive sexual contacts, nonconsensual sexual acts, staff sexual harassment and staff sexual misconduct.

V. POLICY:

It is the Deputy Secretary's policy that there shall be strict accountability for physical evidence collected in connection with the commission of a crime and/or violation of an employee rule to preserve the integrity of the disciplinary and/or legal process.

Crime scenes shall be secured and processed in accordance with Sections VI and VII of this policy.

VI. SECURING PHYSICAL EVIDENCE:

A. General

Valuable evidence/information must be gathered by those with the ability and background to recognize it as such, and must be properly stored and cared for from the time of its discovery until its ultimate appearance at the trial or hearing. In order to successfully introduce physical evidence at a trial, the following three important factors must be considered:

1. The evidence must be properly identified;
2. Continuity of the chain of custody must be proven; and
3. The evidence must be material and relevant.

The first responder to a sexual misconduct (PREA) incident should encourage the victim not to brush their teeth, bathe, clean up, douche, or engage in activity that may alter, contaminate or destroy potential evidence (refer to YS Policy No. C.2.11).

B. Handling and Identifying Evidence

When an item is identified as evidence it shall be handled in the following manner and documented utilizing the “Evidence Property Receipt” form [see Attachment C.4.6 (a)]:

1. The item shall be initialed and dated (including the time of day it was located) by the employee securing the evidence. If it is not possible to place this information directly on the evidence, a tag or card shall be filled out and attached to the item.
2. The employee shall place the evidence in a proper evidence bag and complete the required information on the face of the bag.
3. Items that contain blood should be allowed to dry prior to placing in a bag. Blood soaked items should not be placed in a plastic or sealed container; they should be placed in a paper evidence bag. Example: a bloody shirt from the victim of a battery.
4. If an investigator has been called to the scene, the employee in command should secure the scene and preserve the evidence in its original location until it can be identified and secured by the investigator (refer to YS Policy No. A.1.4).

C. Chain of Custody

1. The number of persons who handle evidence between the time the evidence is located and the final disposition of the case must be kept to a minimum. This is crucial.

Each and every transfer of the evidence must be recorded utilizing the “Chain of Custody” form [see Attachment (b)], and receipted. It is the responsibility of each receiver of the evidence to ensure that the evidence is accounted for during the time it is in the receiver’s possession, that it is properly protected, that it is kept in a location inaccessible to untrained staff, and that there is a record of the names of the person(s) from whom the receiver received it and to whom the receiver delivered it, along with the date and time of transfer.

2. All evidence and any other related information shall be turned over to an IS investigator. If necessary, a IS investigator shall be called to a unit to secure the evidence regardless of the day or time of the incident.
3. The IS investigator shall secure the evidence in an approved Evidence Storage Area (ESA).

D. Evidence Storage Area

1. The evidence storage area is the responsibility of the Supervisor of Investigations. The ESA shall be a secured area protected against unauthorized entry. The only persons possessing keys for the ESA shall be the evidence custodian. It shall be the responsibility of the Supervisor of Investigations to ensure that proper documentation of the chain of custody is maintained.
2. The Supervisor of Investigations shall maintain documentation as follows:
 - a. Record the date the evidence was placed in the ESA;
 - b. Case Number;
 - c. Case title, if one is given;
 - d. Person from whom the evidence was received;
 - e. Person who logged the evidence into the ESA;
 - f. Description of the evidence;
 - g. Disposition of the evidence; and
 - h. Name of persons entering and exiting the ESA.

E. Processing Evidence

The Supervisor of Investigations shall facilitate the transport of the evidence to the Crime Lab if scientific analysis is required.

F. Disposition of Evidence

No evidence shall be disposed of without the authority of the Director of IS through the General Counsel, and following all guidelines as required by YS policies and state laws governing such destruction and handling.

VII. CRIME SCENE PROCESSING:

- A. Upon detection or notification of a crime at a secure care facility, such as an escape, burglary, sex offense or any other crime, the first person on

the scene shall secure the scene and immediately notify the Control Center Operator and the Operations Shift Supervisor (OSS).

The following YS Policies include information on issues relating to the above paragraph: A.1.11; A.2.7; B.6.4; B.8.17; C.1.3; C.2.1; C.2.5; C.2.7; and C.4.3.

- B. The OSS shall immediately notify a facility IS investigator. If one cannot be contacted, the OSS shall contact the Director of IS.
- C. Upon detection or notification of a crime at a regional office, regional employees shall notify the Regional Manager, who shall immediately notify the Regional Director and the Director of IS.

The Regional Director and the Director of IS shall determine if IS or local law enforcement will respond.

- D. The safety and physical well-being of staff and other individuals in and around the crime scene are the initial responding person's first priority.
- E. Controlling the movement of persons at the crime scene and limiting the number of persons who enter the crime scene is essential to maintaining scene integrity, safeguarding evidence, and minimizing contamination.
- F. The initial responding staff at the crime scene must produce clear, concise, documented information encompassing their observations and actions. This documentation is vital in providing information to substantiate investigative considerations.
- G. The IS investigator(s) in charge shall identify specific responsibilities, share preliminary information, and develop investigative plans in accordance with agency policy and local, State and Federal laws.
- H. Based on the type of incident and complexity of the scene, the IS investigator(s) in charge shall determine team composition. Trained personnel shall perform scene processing.
- I. The IS investigator(s) in charge shall require all personnel to follow procedures to ensure scene safety and evidence integrity.
- J. The IS investigator(s) in charge shall ensure documentation of the scene.
- K. The IS investigator(s) in charge, and team members, shall determine the order in which evidence is collected.

- L. The team member(s) shall ensure the effective collection, preservation, packaging, and transport of evidence.
- M. Evidence at crime scenes that is in the process of documentation, collection, preservation or packaging should be handled with attention to scene integrity and protection from contamination or deleterious change.

During the processing of the scene and following documentation, evidence should be appropriately packaged, labeled, and maintained in a secure temporary manner until final packaging and submission to a secure ESA or facility or a crime laboratory.

- N. The IS investigator(s) in charge shall direct a walkthrough at the conclusion of the scene investigation and ensure that the scene investigation is complete.
- O. The IS investigator(s) in charge shall ensure that reports and other documentation pertaining to the crime scene investigation are compiled.

Previous Regulation/Policy Number: C.4.6

Previous Effective Date: 01/11/2013



Attachments/References: C.4.6 (a) Evidence Property Receipt.docx C.4.6 (b) Chain of Custody 01-09-13.docx